

## **REMARKS**

### **INTRODUCTION**

Claims 1-8 are pending and under consideration, and of these claims 6-7 have been withdrawn following the restriction requirement of march 12, 2003. Claims 9-14 are added herein and find support throughout the specification and the original claims. Therefore, claims 1-5 and 8-14 are now under consideration. Care has been exercised to avoid the introduction of new matter. Therefore, entry and approval of the claims are respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicants acknowledge and appreciate that the Examiner has determined that claims 2-5 and 8 contain allowable subject matter. Therefore, applicants have rewritten claims 2-5 and 8 in independent form, as claims 9-13, and respectfully request that claims 9-13 be allowed.

### **REJECTIONS UNDER 35 USC § 102**

In the Office Action, at page 2, claim 1 was rejected under 35 U.S.C. § 102 as anticipated by Asano et al. (US 5,086,663). This rejection is traversed and reconsideration is requested.

Amended claim 1, is directed to a pedal device for a vehicle. The pedal device comprises a depressable portion, which is to be operationally depressed by a driver of the vehicle, an output member, a longitudinal adjustment device, and a pedal-ratio varying mechanism. The output member is pivotably supported by a supporting shaft, provided in a bracket that is fixed to a body of the vehicle, such that the output member is pivoted about the supporting shaft when the depressable portion is operationally depressed, to apply an output corresponding to a depression force applied to the depressable portion to a motive-power transmitting member. The longitudinal adjustment device moves the depressable portion in a longitudinal direction of the body of the vehicle when the depressable portion is not being operationally depressed. The pedal-ratio varying mechanism is disposed between the output member and the motive-power transmitting member, and changes a pedal-ratio in relation to a depressing stroke of the pedal device.

Applicants call attention to the phrase "changes a pedal-ratio in relation to a depressing stroke of the pedal device," which finds support in the specification at paragraphs [0027] and [0028] and FIG. 3, and note that the pedal-ratio is reduced in a range where the depressing

stroke is large. In other words, as illustrated in FIG. 3, according to the present claims, the pedal-ratio is high when the depressing stroke is short and the pedal-ratio is low when the depressing stroke is long. Because the pedal-ratio varying mechanism changes a pedal-ratio in relation to a depressing stroke of the pedal device, pedal maneuverability is improved.

Conversely, Asano discloses a pedal device comprising a longitudinal adjustment device 22 and an adjusting lever 6 to adjust an initial position of a pedal pad 27. According to Asano, to adjust the initial position of the pedal pad 27, the screw nut 19 is moved to thereby cause a horizontal movement of the pedal pad 27 and a rotation of the adjusting lever 6 about the shaft 5. In accordance with the rotation of the adjusting lever, the shaft 10 travels downward within the elongated opening 9a of the movable lever 9. See Asano, column 4, lines 5-26.

It is noted that although Asano discloses an apparatus to change an initial position at the pedal pad 27, the reference contains no mention of adjusting the pedal-ratio in accordance with the adjustment of the initial position of the pedal pad 27 as in the present claims. Therefore, the reference to Asano fails to provide the advantage of the present claims, that is, that the pedal-ratio varying mechanism changes a pedal-ratio in relation to a depressing stroke of the pedal device to thereby improve pedal maneuverability. Thus, amended claim 1 defines over the applied reference.

Regarding dependent claims 2-5 and 8, as noted above, these claims are believed to be allowable in light of the amendments to claim 1 for substantially the same reasons as set forth above.

#### **EXAMINATION OF WITHDRAWN CLAIMS**

Applicants respectfully assert that claim 1 is generic to the species covered by claims 6 and 7. Applicants therefore request that withdrawn claims 6 and 7 be reinstated and examined on their merits as they depend from claim 1 and would therefore not entail any serious burden on the examiner. Further, if claims 6 and 7 are reinstated and found to contain allowable subject matter as a result of their being dependent upon claim 1, applicants request that claims 6 and 7 be allowed.

#### **EXAMINATION NEWLY ADDED CLAIM 14**

Applicants further respectfully assert that newly added claim 14 recites a “pedal-ratio varying mechanism, to change a pedal ratio according to the distance the depressable portion is moved toward or away from the driver.” This feature is not taught by the references, and

therefore claim 14 is believed to be allowable.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

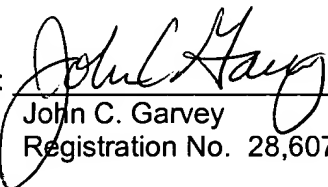
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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